

Application No.: 10/017,661Docket No.: V9661.0024

### REMARKS/ARGUMENT

Claims 1 - 6 and 9 - 10 are in the case. Claims 7 and 8 were canceled without prejudice. Claim 9 was rewritten in independent form including all features in independent claim 8. Claims 4 and 10 were amended to improve their format and correct informalities. The claim amendments do not narrow the scope of any amended claim or any claim element. The Examiner is respectfully requested to reconsider the subject application in view of the above claim amendments and the following remarks.

Claims 1 - 3 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Application Publication 2002/0158590A1 to *Saito et al.* for reasons stated on page 2 of the Office action. This rejection is respectfully traversed.

*Saito et al.* was published on October 31, 2002, which is later than the filing date of the subject patent application. Therefore, *Saito et al.* cannot be applied as a prior art reference to the claimed invention under 35 U.S.C. § 102(b). Accordingly, the subject rejection is believed to be overcome.

Moreover, *Saito et al.* is the U.S. patent application publication of International Application No. PCT/JP00//08838. Because the above International Application was filed on December 14, 2000 (*i.e.*, after November 29, 2000) and was not published in English under PCT Article 21(2), *Saito et al.* has no 35 U.S.C. § 102(e) prior art date. (See MPEP § 706.02(f)(1), Example 5.)

Further, *Saito et al.* was issued on June 10, 2003 as U.S. Patent No. 6,577,072 (the " '072 Patent"). The '072 Patent was cited in the January 30, 2004 Office Action (Paper No. 2). Because the '072 Patent has a later publication date (*i.e.*, June 10, 2003) and lacks a 35 U.S.C. § 102(e) prior art date (see *id.*), the '072 Patent cannot be applied as a prior art reference to the claimed invention under either § 102(b) or § 102(e). Applicants wish to correct the records in connection with the 35 U.S.C. § 102(e) prior art date of the '072 Patent.

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Claims 4 - 10 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,369,525 to *Chang et al.* for reasons stated on pages 2 to 4 of the Office action. This rejection is respectfully traversed.

Independent claim 4 requires that "the second light emitting diode is connected *in parallel* to the switch and the first light emitting diode." Contrary to the assertion in the Office Action, LED 220 in *Chang et al.* is connected in series with switch 229 and LED 227. Therefore, *Chang et al.* does not disclose the present invention as recited in independent claim 4 or its dependent claims 5 and 6. The rejections of claims 4 - 6 are thus believed to be overcome.

Independent claims 7 and 8 were canceled without prejudice. Accordingly, the rejections of claims 7 and 8 are moot.

Claim 9 requires "a bridge rectifier for converting an alternating current to a direct current" and "means to operate the flyback converter to operate in discontinuous mode with current delivered by an alternating current source with phase angle following a corresponding alternating voltage." The Office Action does not show that *Chang et al.* discloses such features in claim 9. To advance the prosecution of the subject patent application, applicants rewrote claim 9 in independent form including all features in independent claim 8. Accordingly, the rejection of claim 9 is believed to be overcome.

Independent claim 10 requires at least that "a first terminal of the first secondary winding has the opposite polarity to that of a first terminal of the second secondary winding." Contrary to the assertion in the Office Action, none of the secondary windings in *Chang et al.* has a polarity opposite to that of another secondary winding. Moreover, *Chang et al.* does not disclose that the anodes of the first and second LED's are connected to the first terminals of the first and second secondary windings as required in independent claim 10. Furthermore, the inductor in *Chang et al.* is not connected to the second terminals of both first and second secondary windings as required in independent claim 10. Therefore, *Chang et al.* does not

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disclose the present invention as recited in independent claim 10. Accordingly, the rejection of claim 10 is believed to be overcome.


Claims 2 - 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.* in view of U.S. Patent Application Publication 2001/0012209A1 to *Raddi et al.* for reasons stated on page 5 of the Office action. This rejection is respectfully traversed. Because *Saito et al.* does not qualify as a reference of the claimed invention for the above reasons, the subject rejection is believed to be overcome.

Applicants have shown that all pending claims 1 - 6 and 9 - 10 are allowable over the cited art and hereby respectfully request that the rejection of claims 1 - 6 and 9 - 10 be withdrawn. Each of the presently pending claims 1 - 6 and 9 - 10 in this application is believed to be in immediate condition for allowance and such action is earnestly solicited.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

Respectfully submitted,

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